

HOUSE BILL No. 1379

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1.

Synopsis: Law enforcement training. Prohibits a political subdivision that employs or has investigated and approved but not yet hired a law enforcement officer from paying the costs of instruction for the officer's attendance at a pre-basic course of training. Prohibits a town from paying for the cost of attendance of a town marshal's basic training. Prohibits a political subdivision from paying for the cost of attendance of the mandatory basic training for law enforcement officers.

Effective: July 1, 1999.

Smith V, Brown C

January 12, 1999, read first time and referred to Committee on Courts and Criminal Code.



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1379

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-1-9 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) The board shall adopt in
3 accordance with IC 4-22-2 all necessary rules to carry out the
4 provisions of this chapter. Such rules, which shall be adopted only after
5 necessary and proper investigation and inquiry by the board, shall
6 include the establishment of the following:
- 7 (1) Minimum standards of physical, educational, mental, and
8 moral fitness which shall govern the acceptance of any person for
9 training by any law enforcement training school or academy
10 meeting or exceeding the minimum standards established
11 pursuant to this chapter.
- 12 (2) Minimum standards for law enforcement training schools
13 administered by towns, cities, counties, the northwest Indiana law
14 enforcement training center, agencies, or departments of the state.
- 15 (3) Minimum standards for courses of study, attendance
16 requirements, equipment, and facilities for approved town, city,
17 county, and state law enforcement officer, police reserve officer,



and conservation reserve officer training schools.

(4) Minimum qualifications for instructors at approved law enforcement training schools.

(5) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(6) Minimum basic training requirements which law enforcement officers not appointed for probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(7) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(b) Except as provided in subsection (l), a law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which in such cases shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e) and (l), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at the northwest Indiana law enforcement training center under section 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) Before a law enforcement officer appointed after June 30, 1993,



1 completes the basic training requirements, the law enforcement officer
 2 may exercise the police powers described in subsection (d) if the
 3 officer successfully completes the pre-basic course established in
 4 subsection (f). Successful completion of the pre-basic course authorizes
 5 a law enforcement officer to exercise the police powers described in
 6 subsection (d) for one (1) year after the date the law enforcement
 7 officer is appointed.

8 (f) The board shall adopt rules under IC 4-22-2 to establish a
 9 pre-basic course for the purpose of training:

10 (1) law enforcement officers;

11 (2) police reserve officers (as described in IC 36-8-3-20); and

12 (3) conservation reserve officers (as described in IC 14-9-8-27);

13 regarding the subjects of arrest, search and seizure, use of force, and
 14 firearm qualification. The pre-basic course must be offered on a
 15 periodic basis throughout the year at regional sites statewide. The
 16 pre-basic course must consist of forty (40) hours of course work. The
 17 board may prepare a pre-basic course on videotape that must be used
 18 in conjunction with live instruction. The board shall provide the course
 19 material, the instructors, and the facilities at the regional sites
 20 throughout the state that are used for the pre-basic course. In addition,
 21 the board may certify pre-basic courses that may be conducted by other
 22 public or private training entities, including colleges and universities.
 23 **A political subdivision that employs or has investigated and**
 24 **approved but not yet hired a law enforcement officer may not pay**
 25 **for the costs of instruction associated with the officer's attendance**
 26 **of a pre-basic course for law enforcement.**

27 (g) The board shall adopt rules under IC 4-22-2 to establish a
 28 mandatory inservice training program for police officers. After June 30,
 29 1993, a law enforcement officer who has satisfactorily completed the
 30 basic training and has been appointed to a law enforcement department
 31 or agency on either a full-time or part-time basis is not eligible for
 32 continued employment unless the officer satisfactorily completes a
 33 minimum of sixteen (16) hours each year of inservice training in any
 34 subject area included in the law enforcement academy's basic training
 35 course or other job related subjects that are approved by the board as
 36 determined by the law enforcement department's or agency's needs. In
 37 addition, a certified academy staff may develop and make available
 38 inservice training programs on a regional or local basis. The board may
 39 approve courses offered by other public or private training entities,
 40 including colleges and universities, as necessary in order to ensure the
 41 availability of an adequate number of inservice training programs. The
 42 board may waive an officer's inservice training requirements if the

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board determines that the officer's reason for lacking the required amount of inservice training hours is due to any of the following:

- (1) An emergency situation.
- (2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

(1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.

(2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.

(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having no more than one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(6) A town that employs a law enforcement officer who has successfully completed the town marshal basic training program may not pay for the cost of attendance of the program for the law enforcement officer.

(i) The board shall adopt rules under IC 4-22-2 to establish a police chief executive training program. The program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Firearm policies.
- (7) Department programs.

(j) A police chief shall apply for admission to the police chief executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the police chief executive training program within six (6) months of the date the police chief initially takes office. However, if space in the program is not available at a time that will allow the police chief to



complete the program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available program that is offered to the police chief after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not serve as the police chief until the police chief has completed the police chief executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

(1) the police chief of any city; and

(2) the police chief of any town having a metropolitan police department.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the police chief executive training program.

(l) An investigator in the arson division of the office of the state fire marshal appointed:

(1) before January 1, 1994, is not required; or

(2) after December 31, 1993, is required;

to comply with the basic training standards established under this section.

SECTION 2. IC 5-2-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. (a) The facilities of the law enforcement academy shall be available to any law enforcement agency of the state, or any of its political subdivisions, subject to the rules of the board.

(b) Any law enforcement agency of the state, any of its political subdivisions, or the northwest Indiana law enforcement training center may conduct training:

(1) for the law enforcement agency of any political subdivision in Indiana;

(2) in facilities other than those of the law enforcement academy; and

(3) if the minimum standards established by the board are met or exceeded.

(c) A law enforcement agency or the northwest Indiana law enforcement training center conducting approved local training under subsection (b) shall be entitled to a per capita allowance from the law enforcement training fund to defray such portions of the cost of basic training as shall be approved by the board. Such per capita allowance shall be earmarked and expended only for law enforcement training.

(d) The facilities of the law enforcement academy shall be available for the training of railroad police, prison and industrial plant guards,



1 college and university safety and security personnel, whether public or
 2 private, and such other enforcement related groups as shall be approved
 3 by the board, upon terms and conditions established by the board.
 4 Railroad police and nongovernmental enforcement related groups
 5 qualifying to use the facilities of the academy under the rules of the
 6 board shall be required to reimburse the law enforcement training fund
 7 for the cost of such training.

8 (e) The facilities of the law enforcement academy may be used for
 9 the training of firefighting personnel where the subject matter of the
 10 training relates to duties which involve law enforcement related
 11 conduct. Such training shall be conducted upon terms and conditions
 12 established by the board. However, no volunteer firefighter is required
 13 to attend training at the academy.

14 (f) The cost of the mandatory basic training ~~conducted by the board~~
 15 ~~at the facilities of the law enforcement academy under this chapter~~
 16 shall be paid ~~out of~~ **into** the law enforcement training fund ~~if the~~
 17 ~~trainees have been previously appointed and are on the payroll of a law~~
 18 ~~enforcement department or agency. All other by the trainee.~~ Training
 19 programs authorized by this chapter ~~and conducted at the law~~
 20 ~~enforcement training academy including the mandatory basic training~~
 21 ~~course when attended by trainees who have been investigated and~~
 22 ~~approved but not yet hired by a law enforcement agency;~~ are subject to
 23 fee schedules and charges for tuition, lodging, meals, instructors,
 24 training materials, and any other items or services established by the
 25 board. **A political subdivision may not pay for tuition, lodging,**
 26 **meals, instructors, training materials, or any other items or**
 27 **services established by the board.**

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